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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

09/08/2008

Peter B. Martine
MARTINE & PENILLA, LLP
710 Lakeway Drive, Suite 170
Sunnyvale, CA 94085

EXAMINER

THOMPSON, JAMES A

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 09/08/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/941,711

08/30/2001

Naoki Kuwata

211552US2

6245

TITLE OF INVENTION: APPARATUS, METHOD, SIGNAL AND COMPUTER PROGRAM PRODUCT CONFIGURED TO PROVIDE OUTPUT
IMAGE ADJUSTMENT OF AN IMAGE FILE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

NO

\$1440

\$300

\$0

\$1740

12/08/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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7590

09/08/2008

Peter B. Martine
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Sunnyvale, CA 94085

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,711	08/30/2001	Naoki Kuwata	211552US2	6245

TITLE OF INVENTION: APPARATUS, METHOD, SIGNAL AND COMPUTER PROGRAM PRODUCT CONFIGURED TO PROVIDE OUTPUT IMAGE ADJUSTMENT OF AN IMAGE FILE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/08/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
THOMPSON, JAMES A	2625	358-001900

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

THOMPSON, JAMES A

ART UNIT

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DATE MAILED: 09/08/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 751 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 751 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	09/941,711	KUWATA ET AL.	
	Examiner	Art Unit	
	James A. Thompson	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 June 2008.
2. ☒ The allowed claim(s) is/are 1-8,10-33,38-60 and 62-71.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

/Edward L. Coles/
Supervisory Patent Examiner, Art Unit 2625

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 17-26 of Applicant's Appeal Brief, filed 24 June 2008, with respect to the rejections of the claims have been fully considered and are persuasive. The rejections of the claims have been withdrawn.

Allowable Subject Matter

2. Claims 1-8, 10-33, 38-60 and 62-71 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 recites an image data generating apparatus which designates image data process control information for generated image data that are to be applied at an output apparatus. The control information is set preliminarily and with respect to the combination of the image data generation characteristics of the image data generating apparatus and the reproduction characteristics of the output apparatus. The closest prior art is the previously cited prior art reference Shiota (US-6,011,547), which does not preliminarily set the control information. Rather, Shiota takes the image data generation characteristics and applies them to the reproduction characteristics within the output apparatus and then uses the combination of characteristics to determine the control information for the picture to be image, along with any future copies of the same image. Examiner has not discovered any prior art references which fully teaches each and every element of claim 1, either alone or by combination. Therefore, claim 1 is deemed allowable over the prior art.

Claims 2-8 and 10-11 depend from claim 1, either directly or indirectly, and are therefore also deemed allowable over the prior art.

Claim 12 recites an image data generating apparatus which preliminarily obtains first information regarding image generating characteristics of the image data generating mechanism and preliminarily obtains second information regarding reproduction characteristics of the output apparatus. The first information and second information are then used to generate image process control information, which is used to control how the generated image data is processed and output. These features are similar to the features discussed for claim 1. Claim 12 is thus deemed allowable for reasons similar to those given for claim 1.

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Claims 13-17 depend from claim 12, either directly or indirectly, and are therefore also deemed allowable over the prior art.

Claim 18 recites an apparatus with similar features as claim 1, but recited using "means-for" language. Therefore, claim 18 is deemed allowable for reasons similar to those given for claim 1.

Claims 19-21 depend from claim 18, either directly or indirectly, and are therefore also deemed allowable over the prior art.

Claim 22 recites an apparatus with similar features as claim 12, but recited using "means-for" language. Therefore, claim 22 is deemed allowable for reasons similar to those given for claim 12.

Claims 23-25 depend from claim 22 and are therefore also deemed allowable over the prior art.

Claim 26 recites the method that is performed by the apparatus of claim 1, and is therefore deemed allowable for reasons similar to those given for claim 1.

Claims 27-29 depend from claim 26, either directly or indirectly, and are therefore also deemed allowable over the prior art.

Claim 30 recites the method that is performed by the apparatus of claim 12, and is therefore deemed allowable for reasons similar to those given for claim 12.

Claims 31-33 depend from claim 30, and are therefore also deemed allowable over the prior art.

Claim 38 recites an image processing apparatus which, among other things, performs the operations that are considered to be novel and non-obvious in claim 1. Therefore, claim 38 is deemed allowable for reasons similar to those given for claim 1.

Claims 39-46 depend from claim 38, either directly or indirectly, and are therefore also deemed allowable over the prior art.

Claim 47 recites an image processing apparatus which, among other things, performs the operations that are considered to be novel and non-obvious in claim 12. Therefore, claim 47 is deemed allowable for reasons similar to those given for claim 12.

Claims 48-51 depend from claim 47, either directly or indirectly, and are therefore also deemed allowable over the prior art.

Claim 52 recites an image processing apparatus which, among other things, performs the operations that are considered to be novel and non-obvious in claim 1. Therefore, claim 52 is deemed allowable for reasons similar to those given for claim 1.

Claims 53-54 depend from claim 52 and are therefore also deemed allowable over the prior art.

Claim 55 recites an apparatus with similar features as claim 47, but recited using "means-for" language. Therefore, claim 55 is deemed allowable for reasons similar to those given for claim 47.

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Claim 56 depends from claim 55 and is therefore also deemed allowable over the prior art.

Claim 57 recites the method that is performed by the apparatus of claim 52, and is therefore deemed allowable for reasons similar to those given for claim 52.

Claims 58-60 depend from claim 57, either directly or indirectly, and are therefore also deemed allowable over the prior art.

Claim 62 recites a computer program product comprising a computer storage medium and computer code stored on the computer storage medium which performs particular steps. The steps performed are the operations that are considered to be novel and non-obvious in claim 1. Therefore, claim 62 is deemed allowable for reasons similar to those given for claim 1.

Claim 63 depends from claim 62 and is therefore also deemed allowable over the prior art.

Claim 64 recites an image data processing system which, among other things, performs the operations that are considered to be novel and non-obvious in claim 1. Therefore, claim 64 is deemed allowable for reasons similar to those given for claim 1.

Claim 65 depends from claim 64 and is therefore also deemed allowable over the prior art.

Claim 66 recites an image data processing system which, among other things, performs the operations that are considered to be novel and non-obvious in claim 12. Therefore, claim 66 is deemed allowable for reasons similar to those given for claim 12.

Claim 67 recites an apparatus with similar features as claim 64, but recited using "means-for" language. Therefore, claim 67 is deemed allowable for reasons similar to those given for claim 64.

Claim 68 recites an apparatus with similar features as claim 66, but recited using "means-for" language. Therefore, claim 68 is deemed allowable for reasons similar to those given for claim 66.

Claim 69 recites an image data generating apparatus which, among other things, performs the operations that are considered to be novel and non-obvious in claim 1. Therefore, claim 69 is deemed allowable for reasons similar to those given for claim 1.

Claim 70 depends from claim 69 and is therefore also deemed allowable over the prior art.

Claim 71 recites a digital still camera which, among other things, performs the operations that are considered to be novel and non-obvious in claim 1. Therefore, claim 71 is deemed allowable for reasons similar to those given for claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2625

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is (571)272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward L. Coles/
Supervisory Patent Examiner, Art Unit 2625

/James A Thompson/
Examiner, Art Unit 2625

24 August 2008